

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

JESSICA BROWN,

Plaintiff(s),

v.

MIKE VAN LUVAN, et al.,

Defendant(s).

Case No. 2:24-cv-00406-CDS-NJK

**ORDER**

The Court previously denied Plaintiff's application to proceed *in forma pauperis* as incomplete:

“When submitting an application to proceed *in forma pauperis*, an incarcerated or institutionalized person must simultaneously submit a certificate from the institution certifying the amount of funds currently held in the applicant's trust account at the institution and the net deposits in the applicant's account for the six months before the date of submission of the application.” Local Special Rule 1-2. The applicant must also submit “a certified copy of the trust fund account statement.” 28 U.S.C. § 1915(a)(2). Plaintiff did not submit this certificate or the certified account statement.

Docket No. 3. The Court ordered that Plaintiff must, no later than April 15, 2024, either (1) file a fully complete application to proceed *in forma pauperis*, on the correct form with complete financial attachments; or (2) pay the \$405 fee for filing a civil action. *Id.* at 1. The Court cautioned that **“FAILURE TO COMPLY WITH THIS ORDER MAY RESULT IN A RECOMMENDATION THAT THE CASE BE DISMISSED.”** *Id.* (emphasis in original).

Despite that warning, Plaintiff has failed to comply with the order. As a one-time courtesy, the Court will extend the deadline for Plaintiff to either (1) file a fully complete application to proceed *in forma pauperis*, on the correct form with complete financial attachments; or (2) pay the \$405 fee for filing a civil action. The new deadline is **SET** for June 17, 2024. Plaintiff is again cautioned that **FAILURE TO COMPLY MAY RESULT IN DISMISSAL.**

1 The Clerk's Office is **INSTRUCTED** to send Plaintiff the approved form application to  
2 proceed *in forma pauperis* by a prisoner, as well as the document entitled information and  
3 instructions for filing an *in forma pauperis* application.

4 Lastly, it appears to the Court that Plaintiff is attempting to bring a civil rights claim against  
5 her public defender and the county public defender office pursuant to 42 U.S.C. § 1983. *See, e.g.*,  
6 Docket No. 1-1 at 6 (seeking monetary damages). The Court notes, however, that Plaintiff checked  
7 the box for a habeas motion on her application to proceed *in forma pauperis*.<sup>1</sup> Plaintiff must clearly  
8 indicate in her future filings whether she is bringing a civil rights claim for monetary relief or a  
9 habeas petition challenging her conviction or sentence.

10 IT IS SO ORDERED.

11 Dated: May 17, 2024

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14 Nancy J. Koppe  
15 United States Magistrate Judge  
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27 <sup>1</sup> The application marks the box for federal inmates to seek habeas relief, Docket No. 1 at  
28 1, which is not applicable here since Plaintiff appears to be seeking relief with respect to state court proceedings.